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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,599	08/17/2001	Nagao Shimada	FUJR 18.925	5118
26304	7590	03/22/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			JUNTIMA, NITTAYA	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2663	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,599

Applicant(s)

SHIMADA ET AL.

Examiner

Nittaya Juntima

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/17/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

2. Claim 2 is objected to because of the following informalities:
  - in claim 2, ll 5, "the" should be changed to "a."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 5 is rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art (Description of the Related Art section in the specification and Fig. 22).

Regarding claim 5, as shown in Fig. 22, the admitted prior art teaches a communication control device (SLT 500) communication with a terminal side ONU side) comprising:

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A table forming information sending unit creating a table forming information and sending the table forming information to a communication terminal device (one of ONUs, e.g. 400-1) (since the SLT 500 allocates the bands to the ONUs 400-1 through 400-n, page 2, ll 18-19, and the table forming information is not defined, therefore, the table forming information reads on the bandwidth allocation information sent from the SLT to the ONUs and the table forming information sending unit must be included in the SLT in order to create the bandwidth allocation information and send it to the ONUs).

A control-side notice information management memory receiving and managing a notice information sent by the communication terminal device (since the SLT receives and recognizes the buffer notice from the ONUs, and allocates the bands to the ONUs, page 2, ll 7-19, therefore, the control-side notice information management memory must be included in the SLT in order to perform the claimed receiving and managing functions on the received buffer status notice).

A buffer status recognizing unit recognizing a buffer status of the communication terminal device (one of ONUs, e.g. 400-1) from a content of the control-side notice information management memory (since the SLT receives and recognizes the buffer notice from the ONUs, and allocates the bands to the ONUs, page 2, ll 7-19, therefore, the buffer status recognizing unit must be included in the SLT in order to perform the claimed recognizing function on the received buffer status notice).

#### ***Allowable Subject Matter***

5. Claims 1-4 are allowed. The prior art alone or in combination fail to teach or make obvious on a notice information setting unit for comparing a size relation between status

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information about past buffer status values for the buffer and a current buffer status value acquired, and setting notice information on a bit basis as determined the size relation when considered in combination with other limitations in the independent claims 1 and 4.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yuki et al. (USPN 6,778,557 B1), disclosing a point-to-multipoint system (Fig. 1) comprising a terminal device having buffers (Fig. 2), a control device requesting buffer status reports from the terminal device (Fig. 3).
- Hoebeke (USPN 6,424,656 B1), disclosing storage queue and queue status within an ONU.
- Rusu et al. (USPN 5,938,749), disclosing queue measurement apparatus that keeps track of previous and current queue lengths.
- Ghaibeh et al. (USPN 5,926,478), disclosing a point-to-multipoint optical network.
- Shimada et al. (USPN 6,791,984 B2), disclosing a dynamic band allocating SLT apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
March 16, 2005  
*NJS*

*Ricky Ngo*  
RICKY NGO  
PRIMARY EXAMINER

*3/17/05*